United Nations CEDAW/C/KWT/CO/5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Kuwait*

1. The Committee considered the fifth periodic report of Kuwait (CEDAW/C/KWT/5) at its 1544th and 1545th meetings (see CEDAW/C/SR.1544 and 1545), held on 1 November 2017. The Committee's list of issues and questions is contained in CEDAW/C/KWT/Q/5 and the responses of Kuwait are contained in CEDAW/C/KWT/Q/5/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its fifth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/KWT/CO/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its multi-sectoral delegation, which was headed by the Ambassador and Permanent Representative of Kuwait to the United Nations Office and other international organizations in Geneva, Jamal Alghunaim. The delegation included representatives of the Ministry for Foreign Affairs and the Ministries of the Interior; Health; Social Affairs; Manpower; and Labour; the Senior Advisory Council for Family Affairs; the Supreme Council for Planning and Kuwait University.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined third and fourth periodic reports (CEDAW/C/KWT/3-4) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its sixty-eighth session (23 October–17 November 2017).

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(a) Act No. 68 of 2015 on domestic workers, strengthening the rights of women domestic workers and providing them with social and legal protection and health care;

(b) Act No. 91 of 2013 on trafficking in persons, in particular women and girls, and the smuggling of migrants;

(c) Act No. 67 of 2015 on the establishment of a national human rights institution (the Human Rights Diwan);

(d) Legislative Decree No. 19 of 2012 on the protection of national unity, which criminalizes incitement to discrimination against women.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) The extension of the mandate of the Protection of Public Morals and Anti-Trafficking Department under the Ministry of the Interior to cases relating to sexual exploitation, bondage and bondage-like practices, in 2014;

(b) The inclusion of gender-specific goals and indicators in the national development plan covering the period 2015–2020;

(c) The achievement of gender equality in all stages of education, in the context of the Millennium Development Goals, before 2015 and ranking first place globally in terms of closing the gender gap with respect to access to education;

(d) Progress in improving health-care services for women and children and the decrease in infant, maternal and child mortality rates 10 years ahead of the deadline for fulfilling Millennium Development Goal 5;

(e) The establishment of a housing fund to support certain groups of women (widows, divorcees, unmarried women and women married to non-Kuwaiti citizens).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party acceded to the Convention on the Rights of Persons with Disabilities in 2013.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010), it invites the national assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the convention.**

D. Principal areas of concern

Reservations

8. The Committee is concerned that the State party maintains its reservations to articles 9 (2) and 16 (1) (f) of the Convention. It regrets the lack of information provided by the State party on the effect of those reservations on the implementation of the provisions of the Convention and on the situation of women in Kuwait. The

Committee notes that the State party's reservation to article 16 (1) (f) is incompatible with the object and purpose of the Convention.

9. **The Committee reiterates its previous recommendation (CEDAW/C/KWT/CO/3-4, para. 14) that the State party withdraw its reservations to articles 9 (2) and 16 (1) (f) of the Convention, and further recommends that it engage in discussion with leaders of religious communities and religious scholars, taking into consideration best practices in the region and in member countries of the Organization of Islamic Cooperation, with a view to overcoming resistance to the withdrawal of the State party's reservation to article 16 (1) (f).**

Visibility of the Convention

10. The Committee notes the State party's efforts to train members of the judiciary in women's rights and in combating trafficking in persons. The Committee is, however, concerned that such efforts are not sufficient to ensure that the judiciary, public officials, parliamentarians and law enforcement officials are adequately informed about the rights of women under the Convention, as well as the concept of substantive equality between women and men and the Committee's general recommendations.

11. **The Committee reiterates its previous recommendations (CEDAW/C/KWT/CO/3-4, para. 16) and recommends that the State party provide judicial personnel, law enforcement officials and Members of Parliament with regular training on the Convention, to ensure its direct applicability. The Committee further recommends that the State party disseminate the Convention and the Committee's general recommendations among all segments of society, including through the use of information campaigns and the media.**

Definition of discrimination against women

12. The Committee reiterates its concern about the absence of a definition of direct and indirect discrimination against women, in accordance with article 1 of the Convention, in the State party's legislation.

13. **The Committee reiterates its previous recommendation (CEDAW/C/KWT/CO/3-4, para. 18) that the State party include in its legislation a definition of discrimination against women, covering direct and indirect discrimination in the public and private spheres, in accordance with article 1 of the Convention.**

Constitutional and legislative framework

14. The Committee notes with concern that sex and gender are not included among the prohibited grounds for discrimination under article 29 of the Constitution. The Committee regrets that discriminatory provisions remain in the State party's legislation, and is also concerned by the State party's explanation that any revision of discriminatory provisions relating to polygamy, divorce, child custody, inheritance, guardianship of men over women and child marriage would contravene the sharia, the Constitution and other relevant legislation. The Committee is particularly concerned about:

(a) Provisions in the Personal Status Act (No. 51 of 1984) regulating family relations and marriage, including the requirement that a wife "obey her husband" (arts. 1, 74 and 87); the legalization of child marriage (arts. 24 and 26); restrictions

on the right of women to divorce (arts. 102–110, 111–119 and 120–148); the right assigned to men to marry up to four wives simultaneously and without the consent or the knowledge of his first wife or wives (art. 21); the right to financial and legal guardianship assigned to the father, followed by his male relatives (art. 129) and discrimination against women in relation to the status of children after divorce (art. 191);

(b) Provisions in the Criminal Code, including the reduction of sentences for men who kill a woman in the name of so-called honour (art. 153), permission to physically discipline a person (art. 29) and non-imposition of criminal charges against a kidnapper and rapist who marries his victim with the consent of her guardian (art. 182);

(c) Articles 2, 3 and 5 of the Nationality Act of 1959, which discriminate between women and men with regard to the right to pass on nationality;

(d) Article 23 of the Private Sector Labour Act (No. 6 of 2010), which prohibits women from carrying out any employment at night or that is considered "dangerous, hard or harmful to health".

15. **In accordance with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee urges the State party:**

(a) **To include sex and gender among the prohibited grounds for discrimination in its Constitution and any other legislation;**

(b) **To review and amend its laws so as to remove provisions that discriminate against women and girls, with a particular focus on the Personal Status Act and its articles 1, 21, 24, 26, 74, 87, 102–110, 111–119, 120–148 and 191;**

(c) **To abolish articles 29, 153 and 182 of the Criminal Code;**

(d) **To revise articles 2, 3 and 5 of the Nationality Act and article 23 of the Private Sector Labour Act;**

(e) **To ensure that the interpretation of laws, including national, religious and customary laws, is in line with the principle of substantive or de facto equality;**

(f) **To develop a gender-sensitive and rights-based dual legal system, in close consultation with progressive religious scholars and women's civil society organizations, taking into account the practices of other countries in the region that have successfully reformed their dual legal system.**

Access to justice

16. The Committee notes with concern that the access of women to justice is hindered by discriminatory laws on marriage and family relations and employment, the legalization of harmful practices, the non-criminalization of numerous forms of gender-based violence against women and the application of discriminatory judicial proceedings in this regard. The Committee is also concerned about stereotyping and gender bias on the part of judicial personnel.

17. **Taking into account its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party take appropriate measures to reform its plural legal justice system, amend any**

existing laws, procedures, regulations, jurisprudence, customs and practices that directly or indirectly discriminate against women with regard to their access to justice and ensure that judicial personnel receive continuous training on women's rights and gender equality.

National machinery for the advancement of women

18. The Committee reiterates its concern about the limited institutional capacity of the national machinery for the advancement of women, and regrets the lack of participation by women in the Women's Affairs Committee, in which only one of the five participating parliamentarians is a woman. The Committee welcomes the efforts undertaken by the State party to include women-specific indicators in its national development plan for the period 2015–2020, but notes with concern that the plan fails to envisage the full participation and leadership of women in public life in positions equal to men; the plan also fails to provide for the collection, analysis and dissemination of sex-disaggregated data and does not mainstream gender throughout its goals.

19. **The Committee recommends that the State party:**

(a) **Continue to strengthen the institutional capacity of the national machinery for the advancement of women, including through clear targets and responsibilities, earmarked funding and adequate staffing;**

(b) **Ensure the equal participation of women on the Women's Affairs Committee;**

(c) **Ensure the systematic and continuous participation of the national machinery for the advancement of women, including civil society and women's non-governmental organizations, in the development, monitoring and evaluation of the national development plan for the period 2015–2020;**

(d) **Conduct a full gender analysis of the plan, in close collaboration with the national machinery for the advancement of women, civil society and women's non-governmental organizations, and include the collection, analysis and dissemination of disaggregated data in order to identify, understand and redress gender inequalities.**

National human rights institutions

20. The Committee welcomes the adoption of Act No. 67 (2015) on the establishment of the Human Rights Diwan, but regrets that the proposal to include a committee on women's rights was rejected. It is also concerned that placing the institution under the supervision of the Council of Ministers may limit its independence.

21. **The Committee recommends that the State party ensure the independence of the Human Rights Diwan, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), by not placing it under the supervision of the Council of Ministers. It further recommends that the State party create a committee on women's rights within the institution and ensure that an equal number of qualified women and men are appointed as members and to key staff positions.**

Temporary special measures

22. The Committee welcomes the fact that some positive measures have been put in place to realize the rights of women, mainly by increasing their representation in the judiciary and the executive. However, it is concerned about the absence of clarity and the lack of temporary special measures, including statutory quotas, in various areas for the advancement of substantive equality of women and men in the State party. The Committee is also concerned about the decrease in the representation of women in the National Assembly and in municipal councils.

23. **The Committee reiterates its recommendation (**CEDAW/C/KWT/CO/3-4, **para. 27) that the State party adopt temporary special measures, such as the targeted recruitment of women for the public service or law enforcement bodies, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, aimed at achieving substantive equality between women and men in all areas where women are underrepresented or disadvantaged. The Committee also recommends that the State party introduce quotas for the election of women to the National Assembly and their representation in municipal councils.**

Stereotypes and harmful practices

24. The Committee welcomes the information provided by the State party regarding its efforts to promote women's rights and gender equality through the media. However, it notes with concern that discriminatory stereotypes persist in relation to the roles of women and men in the family and society. The Committee is also concerned about the persistence of harmful practices in the State party, and regrets the limited efforts being made to eliminate child and/or forced marriage and killings in the name of so-called honour. The Committee further regrets the absence of measures to promote the role of men and boys in addressing discriminatory stereotypes, including through education.

25. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices and general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Take comprehensive measures through education and awareness-raising to eliminate harmful practices and discriminatory stereotypes about the roles of women and men in the family and society, while promoting the role of men and boys in addressing discriminatory stereotypes;**

(b) **Establish close collaboration with a variety of actors, including community leaders and progressive religious scholars, civil society and non-governmental organizations defending women's rights, on implementing measures to eliminate harmful stereotypes and discriminatory practices;**

(c) **Abolish all discriminatory provisions contained in the Personal Status Act, including those regarding the legalization of child marriage (arts. 24 and 26), and in the Criminal Code, including those providing for reduced sentences for men who kill women in the name of so-called honour (art. 153).**

Gender-based violence against women

26. The Committee welcomes the State party's efforts to draft a law on countering domestic violence that includes a definition of domestic violence and provides for the establishment of shelters, psychological counselling and legal assistance to victims and for the establishment of a hotline to receive complaints. The Committee further notes that the State party has established family courts to deal with cases of domestic violence. The Committee is concerned, however, about the prevailing impunity of gender-based violence against women, including sexual violence, and notes the lack of information about the number of complaints of gender-based violence filed by women in 2016, their outcome and the number of convictions. The Committee is particularly concerned about:

(a) The absence of legislation criminalizing all forms of gender-based violence against women, such as kidnapping, marital rape and sexual harassment;

(b) The fact that a kidnapper and rapist who marries his victim with the consent of her guardian is exempted from criminal charges;

(c) The elevated burden of proof on victims of domestic violence to establish an offence and seek a remedy; the limited legal capacity and weight attributed to women's testimony in judicial proceedings; the mandatory application of mediation procedures that aim at reconciliation rather than prosecution of perpetrators in domestic violence cases; and the provision of legal representation only to the person accused but not to the victim of gender-based violence;

(d) The lack of appropriate services and assistance that are easily accessible to women and girls who are victims of gender-based violence, including fully equipped and staffed shelters and round-the-clock hotlines for reporting cases;

(e) The lack of confidentiality in reporting domestic violence, the lack of victim and witness protection and the lenient sentencing policy in cases of gender-based violence;

(f) Gender bias on the part of police officers who discourage women from filing complaints about domestic and sexual violence and the lack of trust that women have in public authorities and in the effectiveness of the protection provided by them;

(g) The social stigma faced by women who are victims of rape.

27. **Taking into account its general recommendation No. 35, the Committee recommends that the State party:**

(a) **Adopt a comprehensive law to criminalize all types of gender-based violence against women, prosecute and punish perpetrators and provide victims with access to remedies;**

(b) **Repeal article 182 of the Criminal Code in order to prevent kidnappers and rapists from avoiding criminal prosecution by marrying their victim with the consent of the victim's guardian;**

(c) **Ensure that judicial proceedings are gender sensitive and do not revictimize women who are survivors of gender-based violence;**

(d) **Establish appropriate services for women and girls who are victims of gender-based violence, including sufficiently staffed and equipped shelters, telephone hotlines, legal aid, medical assistance, psychological counselling and rehabilitation;**

(e) Guarantee that women and girl who are victims of gender-based violence are provided with immediate access to gender-sensitive and confidential reporting and complaint mechanisms, protection, legal assistance and reparation;

(f) Provide comprehensive and systematic training and develop policies for law enforcement bodies on the reporting and monitoring of cases of gender-based violence against women and on gender-sensitive procedures for dealing with victims of such violence;

(g) Address cultural norms and discriminatory stereotypes that lead to social stigma associated with rape through education, information and communication campaigns, including in such efforts a wide range of stakeholders, including men and boys, community and religious leaders and the media;

(h) Provide additional statistics about complaints of gender-based violence against women, including information about the relationship between the victim and the perpetrator.

Trafficking and sexual exploitation

28. The Committee welcomes the legal and institutional measures taken by the State party to counter trafficking in persons, including efforts to investigate cases and prosecute perpetrators. However, it is concerned about the low number of prosecutions, convictions and sentences imposed under Act No. 91 (2013) on trafficking in persons and smuggling of migrants.

29. **The Committee recommends that the State party take effective measures to prevent and eradicate trafficking in persons, including by:**

(a) Ensuring that all registered cases of trafficking in persons are effectively prosecuted and that perpetrators are adequately punished, including through mandatory training for the judiciary, the police and other law enforcement personnel on early identification and referral of victims of trafficking to appropriate services, and on the investigation, prosecution and adjudication of cases of trafficking in persons;

(b) Ensuring the provision of assistance to and facilitating reporting by victims, including through properly equipped and adequately staffed shelters offering legal, medical and psychological assistance and rehabilitation, and ensuring that the complaints hotline operates around the clock;

(c) Granting temporary residence permits on humanitarian grounds to victims of trafficking in persons, irrespective of their ability or willingness to cooperate with the prosecutorial authorities, and upholding the principle of non-refoulement.

Participation in political and public life

30. The Committee welcomes the efforts undertaken by the State party to promote the participation of women in political and public life, such as within the judiciary or the Ministry for Foreign Affairs and its diplomatic missions. However, the Committee notes with concern:

(a) The continued lack of quotas owing to the absence of provisions in the Constitution that would allow for the introduction of the same, whereas article 4 of the Convention provides such a basis;

(b) The low participation of women in leadership positions, including in executive positions, and their limited roles as ambassadors, ministers or parliamentarians.

31. **Taking into account its general recommendation No. 23 (1997) on women in political and public life and reiterating its previous recommendation (CEDAW/C/KWT/CO/3-4, para. 35), the Committee recommends that the State party adopt measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, including quotas and benchmarks with specific time frames, for women's equal representation in all spheres and at all levels of political and public life, in particular in ministerial positions, and as parliamentarians, senior civil servants, prosecutors, judges and ambassadors.**

Nationality

32. The Committee welcomes the fact that the State party has granted nationality to some children of Kuwaiti women married to non-Kuwaiti men and some members of the *bidun* community. However, the Committee remains concerned about the persistent discrimination, under the Nationality Act, between women and men, and the denial of the right of women to acquire, change, retain and transmit their nationality. In particular, it notes the detrimental impact of the Act on Kuwaiti women married to non-Kuwaiti men, as they may not transmit their nationality to their spouses or children, who are thus precluded from political participation and have limited access to education, employment and public housing. In addition, foreign husbands of Kuwaiti women have no legal right to remain in the country without a residency permit. In contrast, foreign women married to Kuwaiti men are granted residency automatically and qualify for citizenship after 15 years of marriage. The Committee is also concerned about the large numbers making up the *bidun* community (approximately 100,000 people), who remain stateless.

33. **The Committee recommends that the State party amend the Nationality Act to recognize the right of Kuwaiti women to transmit their nationality to non-Kuwaiti spouses and children on equal terms with Kuwaiti men, and to eliminate barriers faced by Kuwaiti women married to non-Kuwaiti men in gaining access to public housing. The Committee also recommends that the State party accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction for Statelessness, and continue to look into the possibility of regularizing the situation of more members of the *bidun* community.**

Education

34. The Committee welcomes the high enrolment rate of women in higher education. However, it continues to be concerned that:

(a) According to the administrative instructions of the Ministry of Education, married women and girls are automatically removed from mainstream education into evening schools, which has an adverse impact on their retention in and access to high-quality education;

(b) Highly qualified women are concentrated in teaching positions;

(c) Only girls take part in instruction on family life, which will lead to the perpetuation of stereotypes with regard to women's roles;

(d) Women and girls are faced with de facto exclusion from professional training in mechanics, construction and architecture;

(e) There is a lack of disaggregated data on, among other things, progression rates and courses pursued.

35. **The Committee recommends that the State party:**

(a) **Refer to its previous recommendation (**CEDAW/C/KWT/CO/3-4, **para. 39 (a)) in relation to reducing school dropout rates among women and girls, including by repealing without delay all provisions that prevent married women and girls from gaining access too high-quality education and from attending regular schools;**

(b) **Take measures to employ an equal number of women and men as educational and administrative staff in public schools;**

(c) **Ensure the inclusion of boys in instruction on family life;**

(d) **Remove de facto barriers that exclude women and girls from professional training in mechanics, construction and architecture;**

(e) **Collect, analyse and disseminate data on girls' access to and retention in education, including progression rates and courses pursued.**

Employment

36. The Committee is concerned about persistent discrimination against women in employment, in particular:

(a) The significant gender pay gap in the private and public sectors;

(b) Discriminatory legal provisions, including article 23 of the Private Sector Labour Act, which prohibits women from being employed in the evening or in any employment that is considered "dangerous, hard or harmful to health", thus preventing women from enjoying and exercising their human rights and fundamental freedoms in the economic field and excluding them from certain more highly paid jobs, including in the petroleum sector;

(c) The de facto exclusion of women from employment in certain services in the public sector, including the military, national guard, police, fire service directorate, Environment Public Authority and Institute for Scientific Research;

(d) The fact that women migrant workers remain vulnerable to abuse, sexual harassment and forced labour;

(e) Legal gaps in Act No. 68 of 2015 regarding the effective protection of domestic workers from abuse, exploitation and violence, including: the lack of labour inspection mechanisms; weak penalties imposed on labour recruitment firms for abusive practices; the tying of the immigration status of the domestic workers to one employer or sponsor, and the requirement for the Ministry of the Interior to deport an "absconding" worker; the absence of sanctions applied to employers for withholding the passports of domestic workers or failing to provide adequate housing, food, medical expenses, daily breaks or weekly rest days; the absence of a requirement for employers to be present in dispute resolution between employers and domestic workers, as well as the absence of complaint mechanisms;

(f) Absence of legislation criminalizing sexual harassment in the workplace.

37. **The Committee recommends that the State party:**

(a) **Ratify the ILO Equal Remuneration Convention, 1951 (No. 100), and ensure full alignment of national legislation with the same;**

(b) **Ensure that the Private Sector Labour Act prohibits direct and indirect discrimination on the grounds set forth in the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), with respect to all aspects relating to employment, including on the basis of sex;**

(c) **Remove de facto barriers that prevent women from gaining access to employment in the public sector, including in the military, national guard, police, fire service directorate, Environment Public Authority and Institute for Scientific Research, and ensure that they are provided with equal access to non-traditional career paths;**

(d) **Adopt and enforce laws and regulations that include adequate legal remedies and complaints mechanisms, to protect documented and undocumented women migrant workers from abuse, sexual harassment and forced labour;**

(e) **Ratify the ILO Domestic Workers Convention, 2011 (No. 189) and ensure the full alignment of national legislation, in particular Act No. 68, with the same;**

(f) **Continue efforts to completely abolish the *kafala* (sponsorship) system;**

(g) **Amend the Private Sector Labour Act, the Civil Service Act and the Police Force Order Act, in order to criminalize sexual harassment in the workplace and ensure effective access to legal redress for victims of sexual harassment.**

Health

38. The Committee welcomes the steps taken by the State party to adopt mental health legislation to regulate the procedures of entry, exit, treatment and confinement of patients in mental health centres. It is, however, concerned about:

(a) The fact that some hospitals still require the approval of a husband or male relative in order for a woman to undergo surgery, in particular for obstetrical and gynaecological reasons, despite directives of the Ministry of Health authorizing women aged 21 years and above to give their consent prior to such interventions;

(b) Reported cases of arbitrary admission and detention of women in mental health facilities;

(c) The limitation of legal abortion to cases in which there is a threat to the life of a pregnant woman or of severe fetal impairment.

39. **The Committee recommends that the State party:**

(a) **Expedite the adoption of mental health legislation, in order to regulate mental health treatment, patients' rights, and internment and confinement in accordance with international standards, including obligatory court review of any decision on such confinement and its duration;**

(b) **Ensure that all hospitals abolish the requirement for the male guardian's consent prior to urgent and non-urgent medical treatment of a woman, in particular by ensuring the wide circulation of adequate regulations and information to health-care providers and patients;**

(c) **Extend the legalization of abortion to cases where the health of the woman is at risk, as well as cases of rape and incest, and decriminalize it in all other cases.**

Economic and social benefits

40. The Committee notes the adoption in 2015 of a law to protect the right of married women to apply for bank loans in their own name. However, it is concerned that the public social assistance system, established in accordance with Act No. 12 of 2011, on social security assistance, discriminates with regard to the identification of beneficiaries. The Committee is also concerned that women are not entitled to the same social security benefits as men upon the death of the spouse.

41. **The Committee recommends that the State party take appropriate measures to revise the social security benefits system, taking into consideration the role of women as heads of household. The Committee also recommends that women be entitled to equal social security benefits as men upon the death of the spouse. The Committee further recommends that Act No. 12 be amended to ensure that women have the same rights as men in designating their beneficiaries.**

Sports and recreational activities

42. The Committee is concerned that women in the State party face barriers that prevent them from participating in sports and recreational activities on an equal basis with men.

43. **The Committee recommends that the State party remove barriers and actively promote the participation of women and girls on the boards of sports clubs and their equal access to "all-inclusive" sports clubs, diversify the types of sports offered by such clubs, and support women and girls who wish to become professional athletes and promote their efforts to do so.**

Disadvantaged groups of women

44. The Committee notes with concern the persistence of intersecting forms of discrimination against disadvantaged groups of women and girls, including refugee, migrant, Stateless *bidun*, Shia, Baha'i and other non-Muslim women and girls, Kuwaiti women married to non-Kuwaiti men and women and girls with disabilities. It notes that such discrimination is often based on multiple grounds, including gender, nationality, migration status, age, religion, disability, race and ethnicity or marriage status. It is further concerned about the exclusion of disadvantaged groups of women and girls from basic social services, access to justice, decent work, citizenship and access to birth and marriage certificates and identity documents, and their heightened exposure to risks of violence, abuse and exploitation, including sexual exploitation, forced labour and trafficking in persons.

45. **In the light of its general recommendations No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (2014), No. 26 on women migrant workers (2008) and No. 18 on disabled women (1991), the Committee recommends that the State party ensure equal protection**

of the rights of disadvantaged groups of women and girls in law and in practice and in line with the Convention, in particular by:

(a) Ratifying the 1954 Convention relating to the Status of Refugees and its 1967 Protocol, adopting an asylum law and regularizing the status of refugees;

(b) Ensuring that birth certificates and other documents are issued to *bidun* women, men and children as a means of preventing statelessness;

(c) Ensuring access to marriage certificates, including by Baha'i women;

(d) Abolishing all legal provisions that discriminate against non-Muslim women, including those contained in the Personal Status Act, in particular articles 3, 192 and 293; Act No. 23 of 1990 on the regulation of the judiciary, in particular articles 19 and 61; and all legal provisions that discriminate against Muslim women who convert to another religion, in particular articles 18, 49 and 294 of the Personal Status Act, as well as article 4 of the Nationality Act;

(e) Ensuring that Shia women enjoy equal protection through codified law, including for personal status matters;

(f) Finalizing the adoption of mental health legislation to ensure the effective protection of the rights of women and girls with disabilities;

(g) Removing barriers that prevent refugee, migrant and *bidun* women and girls from gaining access to employment and basic social services, education, housing and health care, including sexual and reproductive health services.

Marriage and family relations

46. The Committee notes the lack of progress in reforming the Personal Status Act and reiterates its concern about legal provisions that discriminate against women and girls in relation to marriage and family relations, including:

(a) Discriminatory provisions in the Personal Status Act relating to child custody, divorce and guardianship, which increase the risk of women being exposed to gender-based violence, and create barriers for women wishing to leave violent relationships and obtain justice;

(b) Exceptions to the prohibition of child marriage, given that the legal age of marriage remains 15 years for girls;

(c) The requirement for Sunni Muslim women to have a male guardian ("wali") to enter a marriage contract, and of Shia Muslim women to have a Muslim man witness their marriage;

(d) Restrictions on women's right to divorce;

(e) Restrictions on women's inheritance rights;

(f) The prohibition on Muslim women marrying non-Muslim men;

(g) The permissibility of polygamy for Muslim men;

(h) Restrictions with regard to women's custody and guardianship for children.

47. **The Committee recommends that the State party:**

(a) Accelerate the law reform process by repealing or amending all discriminatory provisions relating to marriage and family relations, in particular

those in the Personal Status Act concerning marriage, divorce, child custody and guardianship, polygamy and child marriage;

(b) Bring the uncodified Ja'fari interpretation of personal status matters and the Civil Code into line with the State party's obligations under articles 2, 5 (a) and 15 of the Convention, initiate a public debate on moving towards a unified Personal Status Act, and build on best practices of neighbouring countries with similar cultural and religious backgrounds.

Optional Protocol to the Convention

48. The Committee encourages the State party to ratify the Optional Protocol to the Convention.

Beijing Declaration and Platform for Action

49. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

50. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

51. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

Technical assistance

52. The Committee calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system and other international entities in the development of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole.

Ratification of other treaties

53. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.

The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

54. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13, 29 (b) and 47 (b) above.

Preparation of the next report

55. The Committee invites the State party to submit its sixth periodic report in November 2021. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.

56. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).